

Amendments to Civil Service Rules

Amendments approved April 29, 2004, effective immediately

Deferred Retirement Option Plan for State Police Command Officers:

- A. Amend **Rule 2-17** (Retirement), add **§2-17.2(d)**.
- B. Add new **Rule 5-17** (DROP for State Police Command Officers).

Communications:

- C. Amend **Rule 1-4** (State Personnel Director).
- D. Amend **Rule 6-7** (Dues and Fees), repeal **§6-7.5**

Added text is underlined. Deleted text is ~~struck through~~.

Amendment to Civil Service Rule 2-17

Approved April 29, 2004, effective immediately

Added text is underlined.

2-17 Retirement

2-17.1 Cooperation with Board

The state personnel director shall cooperate with the state employees' retirement board in maintaining a comprehensive retirement system for classified employees.

2-17.2 Return to Work from Retirement

Regardless of any other provision of these rules, a state classified employee retired or retiring under any state of Michigan retirement system who applies for and obtains employment in a classified position is considered, in all respects, as a new employee, subject to the following conditions:

- (a) Exception, reinstatement.** A retired employee may be reinstated, but cannot receive any other employment benefits based upon previous classified service.
- (b) Exception, disability retirement.** A classified employee who retires under a duty or nonduty disability provision of any state of Michigan retirement system and returns directly to a classified position after the disability ends is considered a continuing employee, but cannot receive state service credit for any purpose for the period of the disability retirement.
- (c) Exception, deferred retirement.** A classified employee who has taken a deferred retirement and is reinstated or rehired before receiving a retirement benefit payment must requalify to receive prior service credit for longevity and annual leave.
- (d) Exception, deferred retirement option plan for state police command officers.** A state police command officer participating in the deferred retirement option plan authorized in section 24a of Public Act 182 of 1986, as added in Public Act 83 of 2004, continues as an active employee as provided in Rule 5-17 [Deferred Retirement Option Plan for State Police Command Officers].

New Civil Service Rule 5-17

Approved April 29, 2004, effective immediately

All text is new

5-17 Deferred Retirement Option Plan for State Police Command Officers

5-17.1 General

A state police command officer electing to participate in the deferred retirement option plan authorized in section 24a of Public Act 182 of 1986, as added in Public Act 83 of 2004, may continue as an active classified employee while participating in the deferred retirement option plan. Until the participating employee terminates participation in the deferred retirement option plan and retires, the participating employee remains subject to (1) all civil service rules and regulations, including this rule, and (2) all policies, procedures, and work rules of the department of state police applicable to other active state police command officers.

5-17.2 Special Provisions

Notwithstanding any other civil service rule or regulation, the following special provisions apply to all state police command officers participating in the deferred retirement option plan:

(a) Sick leave.

(1) Sick leave balance.

(A) Hired before October 1, 1980. As of the effective date of participation in the deferred retirement option plan, a participating employee hired before October 1, 1980, may elect to retain up to 240 hours of unused sick leave for use while continuing on active duty. An employee will be paid for 50 percent of any unused sick leave not retained. Payment is made as provided in subsection (f).

(B) Hired on or after October 1, 1980. As of the effective date of participation in the deferred retirement option plan, a participating employee hired on or after October 1, 1980, may elect to retain up to 240 hours of unused sick leave for use while continuing on active duty. Any unused sick leave exceeding 240 hours is lost.

(2) No further sick leave earned. As of the effective date of participation in the deferred retirement option plan, a participating employee does not accrue any further sick leave. A participating employee is not paid for any unused sick leave remaining at retirement.

(b) Annual and personal leave.

(1) Annual and personal leave balance. As of the effective date of participation in the deferred retirement option plan, a participating employee may elect to be paid for some or all accrued annual and personal leave. Payment is made as provided in subsection (f). The employee may retain up to 76 hours of unused and unpaid annual and personal leave for use while continuing on active duty.

(2) Further leave earned.

(A) Annual leave. As of the effective date of participation in the deferred retirement option plan, a participating employee is credited with 7.7 hours of annual leave for each 80 hours of creditable time in a biweekly pay period. If a participating employee has fewer than 80 hours of creditable time in a biweekly pay period, the participant is entitled to a prorated amount of annual leave for that pay period.

(B) Personal leave. On October 1 of each year, a participating employee is credited with 16 hours of personal leave.

(C) Maximum accrual. A participating employee may accumulate up to 200 hours of annual and personal leave, including any hours carried over. Any annual or personal leave hours earned above 200 hours cannot be credited and the hours are lost.

(D) At retirement, a participating employee will be paid for up to 76 hours of unused annual and personal leave.

(3) Banked leave time program. All employees participating in the deferred retirement option plan shall participate in the banked leave time program provided in rule 5-10.3.

(c) Longevity pay. A participating employee is not eligible for, and cannot receive, any longevity pay under rule 5-8 [Longevity Payment].

(d) Compensatory time.

(1) Compensatory time balance. As of the effective date of participation in the deferred retirement option plan, a participating employee is paid for all accrued compensatory time. Payment is made as provided in subsection (f).

(2) Further compensatory time for lieutenants. As of the effective date of participation in the deferred retirement option plan, a participating employee classified at the state police lieutenant 14 or 15 level and the employee's supervisor may agree to allow the employee to accrue up to 48 hours of compensatory time. A participating employee is paid for up to 48 hours of unused compensatory time at retirement.

(e) Group insurance plan premiums.

(1) Eligibility. An employee participating in the deferred retirement option plan is eligible for group insurance as a career employee as provided in rule 5-11.2 [Eligibility for Group Insurance Plans].

(2) Participating employee costs.

(A) Health, dental, and vision plans. Notwithstanding rule 5-11.3 [Costs of Group Insurance Plans], a participating employee enrolled in a group health, dental, or vision insurance plan shall pay an amount equal to the amount the employee would have paid for the plan if the employee had retired on the day before becoming a participant in the deferred retirement plan option.

(B) Long-term disability income protection plan. A participating employee enrolled in the long-term disability income protection plan shall pay the amount required under rule 5-11.3 [Costs of Group Insurance Plans].

(f) Payments. Payments due to a participating employee for accrued sick leave, annual leave, and compensatory time may be paid, at the sole discretion of the appointing authority, either (1) in a lump sum or (2) at the rate of 17 percent of the outstanding balance per year. Any lump sum payment is due in the first full pay period beginning after the employee becomes a participant in the deferred retirement option plan. If paid at the rate of 17 percent per year, any balance remaining when the employee retires is paid in a lump sum.

(g) Effective date of participation. An employee, for purposes of this rule, becomes a participant in the deferred retirement option plan on the day established as the effective date by the office of retirement services under section 24a of Public Act 182 of 1986, as added by Public Act 83 of 2004.

(h) Severability. If the United States internal revenue service gives notice that any portion of this rule would cause the deferred retirement option plan to be disqualified for tax purposes under the internal revenue code, 26 USC §1, et seq, then that portion of the rule may be severed and does not apply.

Amendment to Civil Service Rule 1-4

Approved April 29, 2004, effective immediately

Added text is underlined. Deleted text is ~~struck through~~

Rule 1-4 ~~Delegation by~~ State Personnel Director

1-4.1 Delegation by State Personnel Director.

The state personnel director may delegate, in whole or in part, any power or authority granted by the constitution or the civil service commission, unless expressly prohibited by the constitution or rule.

1-4.2 Communication with Employees.

In addition to publishing rules, regulations, and advisories, the state personnel director shall periodically communicate directly with classified employees regarding matters of interest. The director may communicate jointly with others, such as the office of the state employer or the office of retirement services.

Amendment to Civil Service Rule 6-7

Approved April 29, 2004, effective immediately

Added text is underlined. Deleted text is ~~struck through~~.

Rule 6-7 Dues and Fees

6-7.1 Membership Dues for Exclusive Representatives

If agreed to in a collective bargaining agreement, the state may deduct the dues of a member of an exclusive representative through payroll deduction. Notwithstanding any contrary provision of a collective bargaining agreement, an appointing authority shall not deduct membership dues unless the employee has filed a prior, voluntary, written authorization.

6-7.2 Service Fee Authorized

Nothing in this rule precludes the employer from making an agreement with an exclusive representative to require, as a condition of continued employment, that each eligible employee in the unit who chooses not to become a member of the exclusive representative shall pay a service fee to the exclusive representative. If agreed to in a collective bargaining agreement, the state may deduct the service fee by payroll deduction. An appointing authority shall not deduct a service fee unless the employee has filed a prior written authorization or as otherwise authorized in a collective bargaining agreement.

6-7.3 Limitations on Service Fee

The amount of a service fee cannot exceed the employee's proportionate share of the costs of the activities that are necessary to perform its duties as the exclusive representative in dealing with the employer on labor-management issues. The service fee may include only the costs germane to collective bargaining, contract administration, grievance adjustment, and any other cost necessarily or reasonably incurred for the purpose of performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues.

6-7.4 Right of Fee-Payer to Object

An employee required to pay a service fee has the right to object to the amount of the service fee and obtain a reduction of the service fee to exclude all expenses not germane to collective bargaining, contract administration, and grievance adjustment, or otherwise necessarily or reasonably incurred for the purpose of performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues. Each collective

bargaining agreement must provide a procedure that provides an objector with the following rights:

- (a) The right to financial information sufficient to determine how the service fee is calculated.
- (b) The right to challenge the amount of the service fee before an impartial decision-maker.
- (c) The right to have any disputed amount of the service fee placed in escrow by the exclusive representative pending a final decision.

~~6-7.5~~ Annual Notice of Rights

~~The state personnel director shall annually give written notice of each of the following rights and obligations to each exclusively represented employee:~~

- ~~(a) The right of an eligible classified employee to join or not join an exclusive representative without affecting the employment status of the employee.~~
- ~~(b) If the employee chooses to join the exclusive representative, the right not to maintain membership in an exclusive representative to retain a job.~~
- ~~(c) If the employee chooses not to be a member of the exclusive representative, the obligation to pay a service fee as provided in rule 6-7.2.~~
- ~~(d) If the employee chooses not to be a member of the exclusive representative and is obligated to pay a service fee, the rights guaranteed under federal and state law.~~
- ~~(e) The prohibitions against political activities and union activities during actual duty time.~~

~~6-7.56~~ Additional Posted Notice

Each appointing authority shall post in conspicuous places a notice, in the form prescribed by the state personnel director, informing employees of the rights and obligations set forth in this rule.

~~6-7.67~~ Accounting

An exclusive representative shall account for and report fees and expenses in such detail as necessary to allow employees to determine the proportionate costs of expenditures necessarily or reasonably incurred for the purposes of performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues. Each exclusive representative shall provide three copies of an audited report accounting for its fees and expenses to the state personnel director annually.